

REMARKS/ARGUMENTS

Claims 1-8 and 10 are pending. Claim 9 was previously cancelled without prejudice as it has been incorporated into claim 1. Claim 10 has now been cancelled without prejudice as it has been incorporated into claim 1.

Non-method claims 11-30 were previously cancelled. New non-method claims 31-46 have been added.

Claim 7 is objected to as being of improper dependent form. Applicants have amended claim 7 to overcome the objection.

Claims 1-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (US 6,912,629) in view of Brown (US 7,107,316). Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended certain claims.

Applicants' Specification, paragraph 2, describes that, since the priority assigned to each request is used by a resource manager at the primary and secondary storage subsystems to govern how resources (e.g., processor power for processing the I/O requests, memory for storing data, and hardware to perform data movement) should be allocated to execute a request, *if the same request is processed in the primary and secondary storage subsystems with different priorities, the resources in both the primary may not be efficiently managed and can cause resource constraints.*

Amended claim 1 describes, *under control of a primary control unit*, determining a type of the request, wherein the type of the request includes a synchronous copy command, an asynchronous copy command, and an establish with copy command; *assigning a priority to the request based on the type of the request* (wherein the type of the request includes a synchronous copy command, an asynchronous copy command, and an establish with copy command); and sending a command to a secondary control unit, wherein the command includes the request and the assigned priority, wherein the primary control unit and the secondary control unit allocate resources to handle the request based on the assigned priority; and *under control of the*

secondary control unit, using the priority assigned to the request by the primary control unit to process the request.

As to assigning a priority to the request based on the type of the request (wherein the type of the request includes a synchronous copy command, an asynchronous copy command, and an establish with copy command based on the previous element of claim 1), the Examiner cites the Brown patent (Office Action, pages 3-4). The Brown patent describes a priority requirement set by a user receiving the message request and that a priority requirement is determined for the message request according to priority settings designated by a receiving user for whom the message request is intended (Abstract; Col. 2, lines 43-58; Col. 9, lines 19-33). Applicants respectfully submit that assigning priorities according to priority settings designated by a receiving user does not teach or suggest, and, in fact, teaches away from, *assigning a priority to the request based on the type of the request (wherein the type of the request includes a synchronous copy command, an asynchronous copy command, and an establish with copy command based on the previous element of claim 1).*

As to sending a command to a secondary control unit, wherein the command includes the request and the assigned priority, wherein the primary control unit and the secondary control unit allocate resources to handle the request based on the assigned priority, the Examiner cites the West patent (Office Action, page 3). The West patent describes that the secondary system is capable of transmitting a copy of the point-in-time information stored on the secondary system to the primary system when requested by the primary system (Col. 4, lines 40-43). The West patent describes that commands produced by the primary storage controller or the data of the primary volume can be communicated to a secondary volume associated with the secondary controller (Col. 5, lines 25-30; 36-39). However, merely sending commands between the primary and secondary storage controllers does not teach or suggest sending a command to a secondary control unit, *wherein the command includes the request and the assigned priority*, wherein the primary control unit and the secondary control unit allocate resources to handle the request based on the assigned priority.

Amended claim 1 also describes, under control of the secondary control unit, using the priority assigned to the request by the primary control unit to process the request. The West patent describes that the secondary system is capable of transmitting a copy of the point-in-time information stored on the secondary system to the primary system when requested by the

primary system (Col. 4, lines 40-43). The West patent describes synchronous PPRC (Col. 2, lines 43-58). The West patent describes point-in-time copies (Col. 9, lines 19-33). However, Applicants respectfully submit that the West patent in combination with the Brown patent does not teach or suggest, under control of the secondary control unit, using the priority assigned to the request by the primary control unit to process the request.

Thus, amended claim 1 is not taught or suggested by the West patent or the Brown patent, either alone or in combination.

Dependent claims 2-5 and 7 incorporate the language of independent claim 1 and add additional novel elements. Therefore, dependent claims 2-5 and 7 are not taught or suggested by the West patent or the Brown patent, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over West and Brown and further in view of Meaney (US 5,564,062). Applicants respectfully traverse. Claim 7 now depends from claim 1 and has been discussed with reference to the rejection of claim 1.

Claim 6 describes that the request is issued with a synchronous Peer-to-Peer Remote Copy command and further comprising: receiving a host priority with the request; and mapping the host priority to a priority in a high priority range having multiple priority values based on the host priority, pending Input/Output (I/O) requests, and available resources (e.g., Applicants' Specification, paragraph 41). For example, Applicants' Specification, paragraph 41, describes that the priority assignment process would map *any I/O request from the host* into the high priority range. Applicants' Specification, paragraph 41 describes an example in which, if an establish with copy command was being performed for data that the host I/O request was attempting to update, that copy command would have to be completed before the host I/O request is processed, and, in this case, the host I/O request may be assigned a priority of 3.

Moreover, Applicants respectfully submit that the Meaney patent does not cure the defects of the West and Brown patents with respect to claim 1. For example, the Meaney patent does not teach or suggest the subject matter of amended claim 1. Therefore, amended claim 1 is not taught or suggested by the West patent, the Brown patent or the Meaney patent, either alone or in combination.

Dependent claims 6 and 8 each incorporate the language of independent claim 1 and add additional novel elements. Therefore, dependent claims 6 and 8 are not taught or suggested by the West patent, the Brown patent or the Meaney patent, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Applicants also submit that new claims 31-46 are also not taught or suggested by the West patent, the Brown patent or the Meaney patent, either alone or in combination.

Conclusion

For all the above reasons, Applicants submit that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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